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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and for the Estate of
Bernard L. Madoff,

Plaintiff,

v.

THE ABBIT FAMILY TRUST; LINDA ANNE
ABBIT, individually and in her capacity as Trustee of
the Abbit Family Trust 9/7/90; and JEFFREY
BRIAN ABBIT, individually and in his capacity as
Trustee of the Abbit Family Trust 9/7/90,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04647 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, (i) The Abbit Family Trust; (ii) Linda Anne Abbit, individually and in her capacity as Trustee of the Abbit Family Trust 9/7/90; and (iii) Jeffrey Brian Abbit, individually and in his capacity as Trustee of the Abbit Family Trust 9/7/90 (“Defendants”), by and through their attorneys, Barry R. Lax, Brian J. Neville, and Robert R. Miller, Lax & Neville, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants.
2. On September 18, 2015, Defendants filed an Answer to the Complaint.
3. On November 21, 2017, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default under the terms of the Settlement Agreement.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York
January 2, 2018

BAKER & HOSTETLER LLP

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Attorneys for Defendants The Abbit Family Trust, Linda Anne Abbit, individually and in her capacity as Trustee of the Abbit Family Trust 9/7/90, and Jeffrey Brian Abbit, individually and in his capacity as Trustee of the Abbit Family Trust

SO ORDERED

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

Dated: **January 2, 2018**
New York, New York